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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
A.W. FINANCIAL SERVICES, S.A., as successor
in interest to TERTIAIRE INVESTISSEMENT, S.A.

Plaintiff,

v.

EMPIRE RESOURCES, INC., AMERICAN STOCK
TRANSFER & TRUST COMPANY, and AFFILIATED
COMPUTER SERVICES, INC.,

Defendants.
-----X

ECF CASE –Filed Electronically

07-CV-8491 (SHS)(RLE)

NOTICE OF MOTION ON CONSENT
FOR LEAVE TO FILE OUT OF TIME

PLEASE TAKE NOTICE that, upon the annexed declaration of Jon Schuyler Brooks, dated July 9, 2008, and all prior pleadings and proceedings in the above-captioned matter, plaintiff A.W. Financial Services, S.A. will move this Court before the Hon. Sidney H. Stein, at the United States Courthouse, located at 500 Pearl Street, New York, New York, for an Order either permitting the parties to file a stipulation extending the time for Plaintiff to file its memoranda in opposition to the motions of defendants to dismiss the Amended Complaint or, in

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the alternative, permitting Plaintiff to file its memoranda out of time.

Dated: Garden City, New York
July 9, 2008

_____/s/
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